



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

NOV - 8 2002

Mr. Mike Williams
HAZSource, Inc.
6307 East 96th Street
Tulsa, OK 74137

Ref. No. 02-0194

Dear Mr. Williams:

This is in response to your July 19, 2002 letter and subsequent telephone conversation with Sandra Webb, of my staff requesting clarification under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if the proper shipping name for your material should be "Dangerous Goods in Apparatus" or "Combustible Liquid, n.o.s.."

You state that the material contained within the apparatus is a flammable liquid and has a flash point of 110 degrees Fahrenheit. In the telephone conversation with Ms. Webb, you stated the apparatus is being transported in a non-bulk packaging via ground and contains only the residue of the material and it does not meet the definition of any other hazard class.

As provided in § 173.150(f), a flammable liquid with a flash point of 38°C (100° F) or higher that does not meet the definition of any other hazard class may be reclassified as a combustible liquid. This provision does not apply to transportation by vessel or aircraft, except where other means of transportation is impracticable. Therefore, a combustible liquid transported in a non-bulk packaging that is not a hazardous substance, a hazardous waste, or a marine pollutant is not subject to the HMR.

I apologize for any misunderstanding and any inconvenience this may have caused you. Please contact this office if you need additional assistance.

Sincerely,

Delmer Billings
Chief, Standards Development
Office of Hazardous Materials Standards



020194

173.150

**source**

hazmat compliance solutions

July 19, 2002

To: Edward Mazzullo
U.S. Department of Transportation

From: Mike Williams
HAZsource Inc.

Webb
§ 173.222
Proper Shipping Name
02-0194

HAZsource, Inc.
6307 East 96th Street
Tulsa, OK 74137
Local: 918-491-7530
Toll Free: 866-491-7530
Fax: 918-524-4294

Mr. Mazzullo,

I have questions pertaining to the proper shipping of Dangerous Goods in Apparatus. I have been instructing my clients to ship these items as the mentioned above proper shipping name regardless of the mode of shipping. It has been brought to my attention that it is possible to reclassify this as a combustible liquid and ship it not regulated via ground. (The flash point for the material contained in this apparatus is 110 degrees.)

This made perfect sense, but, I wanted a ruling from DOT before instructing clients. I spoke to two different DOT people and received conflicting information, here's a summary of the discussions:

- 1) Person number 1 said if the proper shipping name is Dangerous Goods in Apparatus, There are no exceptions and could not be reclassified as a combustible liquid. He also indicated that if this was found, that someone did reclassify, it would be a violation and exposing the client to costly fines.
- 2) Person number 2 said, since the Dangerous Goods in Apparatus contains a flammable liquid with a flash point of 110 degrees, we no longer call it Dangerous Goods in Apparatus, reclassify it as a combustible liquid, ship it via highway and now it is not regulated.

You can see my concern with this situation. I want to convey the most accurate information to my client and need to receive a letter that addresses this situation.

Thank you for your immediate attention to this matter.

Sincerely,

Mike Williams
HAZsource, Inc.
918-491-7530